

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 07th April, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa

A.B.P. No. 196/2026 (Arising out of Salkhua P.S. Case No. 178/2009)

Mithilesh Yadav @ Mithilesh Kumar Vijay & 3 Others ... Petitioners Vs State of Bihar

In the matter of :-

1. Mithilesh Yadav @ Mithilesh Kumar Vijay S/o Natheshwar Prasad Yadav
2. Ranjan Yadav @ Abdhesh Kumar Ranjan
S/o Narayan Yadav @ Narayan Mandal
3. Daveshe Yadav @ Devesh Kumar Azad
S/o Shankar Yadav @ Shankar Prasad Yadav
All 1 to 3 are resident of Village Salkhua Gonth, P.S. Salkhua,
District Saharsa.
4. Radhe Yadav @ Radheshyam
S/o Masudan Yadav @ Madhu Sudan Yadav
Resident of Kainjary, P.S. Beldour, District Khagaria.
At present Village Salkhua Gonth, P.S. Salkhua, District Saharsa.

....Petitioners

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioners :- Sri Sunil Kumar Singh, Advocate

For the State :- Sri Krishna Murari Prasad, Ld. P.P.

Sl No.	Date of proceeding	Order with the signature of the court	Office action taken with date
	07.04.2026 	This anticipatory bail petition has been filed on behalf of the petitioners namely (1) Mithilesh Yadav @ Mithilesh Kumar Vijay S/o Natheshwar Prasad Yadav, (2) Ranjan Yadav @ Abdhesh Kumar Ranjan S/o Narayan Yadav @ Narayan Mandal (3) Daveshe Yadav @ Devesh Kumar Azad S/o Shankar Yadav @ Shankar Prasad Yadav and (4) Radhe Yadav @ Radheshyam S/o Masudan Yadav @ Madhu Sudan Yadav who are apprehending their arrest in connection with Salkhua P.S. Case No. 178/2009 registered under Sections 147, 148, 149, 448, 380, 452, 307 IPC and Section 27 of the Arms Act. 2. Heard the arguments of the learned counsel for the petitioners and the learned P.P. for the	

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<u>Cont/2-</u> <u>07.04.2026</u>	State. 3. It is submitted by the learned counsel for the accused petitioners that petitioners are innocent and have falsely been implicated in this case due to grudge, malice and enmity. It is further submitted that petitioner nos. 1, 2 and 3 bears criminal antecedent of ne case i.e. Salkhua P.S. Case No. 27/2009 which has been disposed of on 04.11.2025 thereafter the petitioner nos. 1 and 2 have five criminal cases whereas the petitioner no. 3 bears no criminal antecedent. It is further submitted that there exists land dispute between the parties. It is further submitted that the petitioners have not sent up for trial. It is further submitted that sections 307 of IPC and Section 27 of the Arms Act are added to make the case graver and non-bailable. It is further submitted that there is case and counter case between the parties. It is further submitted that petitioners are men of means and they are ready to furnish sound sureties to the full satisfaction of the learned court. Upon these grounds, the learned counsel prays to grant anticipatory bail to the petitioners. 4. On the other hand, the learned P.P. has opposed the prayer of anticipatory bail. 5. Rival submissions considered, Record perused. 6. The prosecution case, in short as per the written report of informant Pappu Kumar is that on 28.09.2009 at about 21:30 in the night on the occasion when he was at his shop then Mithilesh Yadav, Mukesh Yadav, Utim Lal Yadav, Bhumi Yadav, Bindo Yadav, Ranvir Yadav, Ranjan Yadav, Dilip Yadav, Narayan Yadav, Chander Poddar, Deepak Kumar, Pankaj Poddar, Amar Yadav, Daveshe Yadav, and Radhe Yadav armed with pistol in their hands started firing there due to which there was started stampede. In the	
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Cont/3-
07.04.2026

meantime Mukesh Yadav armed with pistol in his hand assaulted Yogendra Prasad due to which he fell down on the ground. All the accused persons entered into his house and the accused Mithilesh Yadav took out cash box and given to Utim Lal Yadav and the other accused persons took out the house hold articles from his house on which he objected then accused Mithilesh Yadav armed with pistol in his hand fired shot upon him which hits his right leg and he fell down on the ground. On hearing hulla all the accused persons fled away from there after committing robbery in his shop.

7. Admittedly the petitioners were not sent up by the police however disagreeing with the police the learned Magistrate has taken cognizance of the offence against the petitioners vide order dated 22.07.2014 for the offence under Sections 341, 323, 324, 307, 504, 506/34 of the IPC and Section 27 of the Arms Act. The trial court record shows that no process under Sections 82/83 of the Cr.P.C. has been issued against the accused till date. The case is an old one. The injured Pappu Kumar has sustained gun shot injury on right thigh. The injured Yogendra Prasad sustained gunshot injury over right elbow. Two orders of the Hon'ble High Court are available on record by which the co-accused persons Mukesh Yadav and Ranveer Yadav has already been granted bail by the Hon'ble High Court, Patna wayback in the year 2010. Nothing was brought into the notice of this court that the petitioners have delayed the proceeding of the case.

8. Though the petitioners having criminal antecedents however, considering the facts and circumstances of the case a case to grant anticipatory bail to the petitioners is made out. Resultantly, the prayer for anticipatory bail of

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Cont/4-
07.04.2026

petitioners (1) **Mithilesh Yadav @ Mithilesh Kumar Vijay**, (2) **Ranjan Yadav @ Abdhesh Kumar Ranjan** (3) **Davesh Yadav @ Devesh Kumar Azad** and (4) **Radhe Yadav @ Radheshyam** is **allowed** and in the event of arrest or surrender of the petitioners within a period of four weeks from today, they are directed to be released on bail subject to their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties in the like amount each to the satisfaction of the learned jurisdictional Magistrate where the case is presently pending, further subject to the conditions as laid down u/s 482(2) of BNSS. Further condition is that the petitioners shall remain present physically on each and every date during the trial and if they fails to appear on two consecutive dates their bail bonds shall be liable to be cancelled.

(Dictated)

Dinesh Sharma

(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

07.04.2026

Date of Judgement/Order	07.04.2026
Date of Reserving Judgement/Order	07.04.2026
Uploading Date	13-04-26
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